

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JOHN ANTHONY CASTRO
12 Park Place, Mansfield, TX 76063

Plaintiff,

v.

SECRETARY OF STATE CHRISTI
JACOBSON
Montana Capitol Building, Room 260, P.O.
Box 202801, Helena, MT 59620-2801

DONALD JOHN TRUMP
1100 S. Ocean Blvd, Palm Beach, FL 33480

Defendants.

Case No. 6:23-cv-00062-SPW

EMERGENCY NOTICE OF APPEAL

PURSUANT TO COLLATERAL ORDER DOCTRINE

Emergency Notice is hereby given, pursuant to 9th Cir. L. R. 27-3, that Plaintiff John Anthony Castro appeals to the United States Court of Appeals for the Ninth Circuit from the Order Denying Plaintiff's Emergency Application for a Temporary Restraining Order entered in this action on Wednesday, September 20, 2023.

Nature of the Emergency and Irreparable Harm if Delayed

Subject to the penalties under Fed. R. App. P. 46(c), Plaintiff's good cause for seeking emergency expedited review is that Defendant Secretary of State is imminently about to violate Section 3 of the 14th Amendment on September 26, 2023, by accepting a constitutionally ineligible candidate's ballot access documentation.

Date By Which Ruling is Needed

Plaintiffs seek emergency review on or before Monday, September 25, 2023, subject to the penalties under Fed. R. App. P. 46(c).

Order and Relevant Filings

Included herein is Order Denying Plaintiffs' Emergency Application for a Temporary Restraining Order entered in this action on Wednesday, September 20, 2023, as well as Plaintiffs' Emergency Application for a Temporary Restraining Order, and Plaintiff's Verified Complaint that contains all of the supporting facts, which are to be given due regard. *See* Fed. R. Civ. P. 65(b)(1)(A) ("specific facts in... a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result[.]").

Dated: September 27, 2022 at 7:34pm CT.

Respectfully submitted,

By: /s/ John Anthony Castro

John Anthony Castro

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Plaintiff Pro Se

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed with the Court on September 20, 2023. I further certify that a true and accurate copy of the foregoing document was served via CM/ECG, email where an email address is indicated below, or U.S. postal mail on the following recipients on September 20, 2023.

Defendant

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/s/ John Anthony Castro

John Anthony Castro